

REMARKS

I. Status and Disposition of the Claims

Claims 1, 5, 6, 8, 12, 13, 17, 21, 22, 24, 28, 29, 31, and 32, of which claims 1, 8, 17, 24, 31, and 32 are independent, are pending and under examination. The Final Office Action¹ took the following actions:

- 1) Rejected claims 1, 8, 17, 24, 31, and 32 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2005/0185547 by Nagai et al. (hereinafter "*Nagai*") in view of U.S. Patent No. 6,154,840 by Pebley et al. (hereinafter "*Pebley*"); and
- 2) Rejected claims 5, 6, 12, 13, 21, 22, 28, and 29 under 35 U.S.C. § 103(a) as being unpatentable over *Nagai* in view of *Pebley* and U.S. Patent No. 6,341,164 by Dilkie et al. (hereinafter "*Dilkie*").

II. Amendments to the Claims

Applicant amends claims 1, 5, 6, 8, 12, 13, 17, 21, 22, 24, 28, 29, 31, and 32. The amendments are supported by Applicant's specification at, for example, Figs. 27A and 27B and their detailed description. No new matter has been introduced by the amendments.

III. Response to Rejections

Applicant respectfully requests reconsideration and withdrawal of the rejections of pending claims under 35 U.S.C. § 103(a), because the Final Office Action has not established a *prima facie* case of obviousness.

The Final Office Action has not properly resolved the *Graham* factual inquiries, the proper resolution of which is the requirement for establishing a framework for an objective obviousness analysis. See M.P.E.P. § 2141(II), citing to *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), as reiterated by the U.S. Supreme Court in *KSR International Co. v.*

¹ The Final Office Action contains a number of statements reflecting characterizations of the cited art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Final Office Action.

Teleflex Inc., 550 U.S. 398, 82 USPQ2d 1385 (2007). Here, as detailed below, a *prima facie* case of obviousness has not been established, because the scope and content of the prior art has not been properly determined, nor have the differences between the claimed invention and the prior art been properly ascertained.

Independent Claims 1, 8, 17, 24, 31, and 32

The Final Office Action, on page 5, rejected claims 1, 8, 17, 24, 31, and 32 under 35 U.S.C. § 103(a) as being unpatentable over *Nagai* and *Pebley*. *Nagai* and *Pebley*, however, whether considered separately or together, do not teach or suggest, each and every element of the rejected claims. For example, *Nagai* and *Pebley* do not teach or suggest an information recording device which comprises

a processing unit ... for storing, for each data file of the plurality data files, a first portion in a first sector of one of the plurality of blocks, and a second portion in a second sector of one of the plurality of blocks, and for storing a security header corresponding to the content data of the plurality of data files in at least one header block of the plurality of blocks, wherein the at least one header block is different from each one of the blocks in which the content data of the plurality of data files is stored; [and]

a cryptosystem unit for performing sector level encryption by using a first encryption key to execute encryption of each first sector of each of the plurality of blocks, and using a second encryption key that is different from the first encryption key to execute encryption of each second sector of each of the plurality of blocks; ...

wherein the security header stored in the header block includes each encryption key used for each sector of each of the plurality of blocks,

as recited in claim 1. Examples of the above underlined features are described in Applicant's specification² in Figs. 27A and 27B and their detailed description. In particular, Applicant's specification explains that:

As shown in Fig. 27B, each of the M content keys is correlated to each sector, and is used for encryption of data to be stored in the sector. ... For example, the key

² References to Applicant's specification are exemplary in nature and in no way intended to limit the scope of the claims.

“Kc(0)” is used as an encryption key for data to be stored in the sectors 0 of the blocks of the memory, and the key “Kc(s)” is used as an encryption key for data to be stored in the sectors “s” of the blocks of the memory. The key “Kc(M-1)” is used as an encryption key for data to be stored in the sectors M-1 of the blocks of the memory.

Applicant’s specification at page 81, line 16 to page 82, line 3 (emphases added).

The Final Office Action relied on *Pebley* for teaching use of a different encryption key for each sector. Regardless of whether *Pebley* teaches those elements, which Applicant does not concede, *Pebley*, considered alone or in combination with *Nagai*, does not teach or suggest the features of the cryptosystem unit using the encryption keys to encrypt the sectors in the manner recited in claim 1. The cited sections of *Pebley* merely state that, when encrypting a document, a key is generated for each data block of that document. *See Pebley* at column 4, lines 55-61. Nowhere does *Pebley* teach or suggest “using a first encryption key to execute encryption of each first sector of each of the plurality of blocks, and using a second encryption key that is different from the first encryption key to execute encryption of each second sector of each of the plurality of blocks,” as recited in claim 1.

Independent claims 8, 17, 24, 31, and 32, although differing from claim 1 in their scopes, each recites features similar to those mentioned above in relation to claim 1. Therefore, for at least the above reasons, claims 1, 8, 17, 24, 31, and 32 are patentable over *Nagai* and *Pebley*.

Claims 5, 6, 12, 13, 21, 22, 28, and 29

Claims 5, 6, 12, 13, 21, 22, 28, and 29 each depend from, and thus incorporate features of, one of claims 1, 8, 17, and 24. In its rejection of these claims on pages 7-9, the Final Office Action relied on *Nagai* and *Pebley* for teaching features of the base claims, and further relied on *Dilkie* for teaching additional features recited in the rejected claim. Regardless of whether *Dilkie* teaches those additional features, which Applicant does not concede, *Dilkie* does not cure the deficiencies of *Nagai* and *Pebley*, as described above in relation to claims 1, 8, 17, and 24.

Therefore, for at least the reasons described above, claims 5, 6, 12, 13, 21, 22, 28, and 29 are patentable over *Nagai*, *Pebley*, and *Dilkie*.

IV. Conclusion

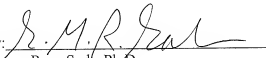
In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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